

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAN 10 AM 10:22

UNITED STATES OF AMERICA,

Plaintiff,

v.

Def 1) George Luis QUIROZ-Cota,

Def 2) Jose Luis AGUILAR-Zamora
Defendant(s)

Magistrate Case No.

08 MJ 0072

BY:

DEPUTY


COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **January 9, 2008**, within the Southern District of California, defendants **George Luis QUIROZ-Cota** and **Jose Luis AGUILAR-Zamora** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Froylan TORRES-Hernandez, Alfredo TORRES-Mejorado, and Abel CAMARGO-Tapia** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF JANUARY,
2008


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:

George Luis QUIROZ-Cota
Jose Luis AGUILAR-Zamora

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Froylan TORRES-Hernandez, Alfredo TORRES-Mejorado,** and **Abel CAMARGO-Tapia** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 9, 2008 Senior Patrol Agent H. Martinez was performing anti-smuggling operations in the area of Otay Mesa, California. Agent Martinez was in plain clothes and operating an unmarked service vehicle. At approximately 1:00PM Agent Martinez was contacted by a citizen who reported that he observed a yellow van, marked with a DHL Delivery logo, enter onto the property of Jalisco Trucking Company. The Jalisco Trucking Company is located at 9955 Marconi Street, Otay Mesa, California. The citizen watched the van park, several suspected illegal aliens enter into the van and then watched it exit the property. Agent Martinez relayed the report to other agents in the field.

Agent E. Penagos, who was also in plainclothes and operating an unmarked service vehicle was traveling eastbound on State Route (SR) 905 and noticed a yellow DHL van matching the description given traveling westbound on SR 905 near the intersection of Airway Road. Agent Penagos turned around and began surveillance of the van. The driver, defendant **George Luis QUIROZ-Cota**, was dressed in a DHL uniform, and was constantly looking in his side view mirrors. As the van approached the congested areas of traffic on SR 905 the defendant opened the door of the van several times to look at traffic behind and ahead of his position.

Supervisory Border Patrol Agent Mayer was operating a marked service vehicle and had been monitoring the radio traffic asked the agents if they needed someone to do a vehicle stop. Agent Mayer attempted to perform a vehicle stop on SR 905 westbound approximately a half mile east of SR 805. The driver failed to yield. When the driver got trapped in traffic, he pulled the van over on the I-805 entrance ramp. Agent Penagos and several other agents approached the van on foot. The agents identified themselves as Border Patrol Agents and questioned the driver and the nine occupants lying down in the rear cargo area of the van as to their immigration status. The defendant stated that he was a United States citizen. The other nine occupants admitted to being citizens of Mexico illegally present in the United States. The defendant and the nine occupants were placed under arrest and transported to the Chula Vista Border Patrol Station for processing. During processing, agents identified one of the occupants, defendant **Jose Luis AGUILAR-Zamora**, to be a foot guide.

STATEMENT of Defendant George Luis QUIROZ-Cota:

Defendant George Luis QUIROZ-Cota was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant stated that he was born in San Diego.

The defendant stated that he come into some money problems and went to work for an individual named "Fermin", who he had met a few months ago. At 12 Noon Fermin called the defendant on the cell phone and offered to pay him \$1000 US to pick up some aliens and to drop them off on Main Street in Chula Vista. The defendant, who is an employee of DHL, stated that when he was done with his delivery route he drove to Otay Mesa to pick up the illegal aliens. The defendant knew it was illegal to pick up aliens but, he needed the money.

**CONTINUATION OF COMPLAINT:**

George Luis QUIROZ-Cota
Jose Luis AGUILAR-Zamora

STATEMENT of Defendant Jose Luis AGUILAR-Zamora:

Defendant Jose Luis AGUILAR-Zamora was advised of his rights per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant stated that he was born in Tijuana, Baja California, Mexico. He stated that he is a citizen and national of Mexico illegally present in the United States. The defendant stated that he has been caught several times and accused of being a foot guide. The defendant stated that he is not a foot guide and that on this occasion he only wanted to cross and find work. The defendant stated that he crossed with nine people through a creek on the east side of the Otay Mesa, California Port of Entry and that he made arrangements with two foot guides know to him only as "Pelon" and "Carlos". The defendant stated that he was to pay \$2,000.00 USD, upon arrival to San Jose, California.

The defendant stated that he and the group crossed the United States/ Mexico International Boundary Fence and crawled in a creek for approximately twenty minutes until they came up to a street and then the group ran to a place where they were to be picked up. The defendant stated that "Pelon" and "Carlos" made a call and the van arrived shortly and picked them up.

MATERIAL WITNESSES STATEMENTS:

The material witnesses stated that they are from Mexico and that they do not possess any immigration documents that would allow them to be or remain in the United States legally. The material witnesses stated that they crossed illegally into the United States about noon, near the Otay Mesa, California Port of Entry. The material witnesses stated that they made smuggling arrangements in various locations in Tijuana, Baja California, Mexico and were heading to various locations throughout the United States.

Material witness Abel CAMARGO-Tapia stated that he met up with a group and that a foot guide within the group led them. They jumped the fence and crawled in a creek bed until the guide told them to cross the road and crawl under the fence to await the van that would pick them up. Material witness Abel CAMARGO-Tapia was shown a series of photographs numbered 1-10, which he was able to identified photo #7 as the defendant Jose Luis AGUILAR-Zamora as being the foot guide in today's event.